

1

2

3

I, Scott Oborne, as attorney for Western Equipment Distributors, Inc., and Joe Guerra,
herby accept service on said defendants' behalf of the following documents: Summons and
Complaint.

17

18

20

21

22

23

24

25

26

1 – ACCEPTANCE OF SERVICE

DOLAN LAW GROUP PC
4300 NE Fremont, Suite 250
Portland, Oregon 97213
Phone: (503) 227-2377
Fax: (503) 427-1900

Exhibit A. 1 of 9

I CERTIFY THAT THIS IS A TRUE COPY OF
THE ORIGINAL AND OF THE WHOLE THEREOF
Of Attorneys For Plaintiff

1

2

3

4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR MULTNOMAH COUNTY

6

7 JOHN CRONAN, an individual, } Case No.:
8 }
9 } COMPLAINT:
10 WESTERN EQUIPMENT } ORS 659A.030(1)(a) – Age Discrimination;
11 DISTRIBUTORS, INC., a foreign business } ORS 659A.030(1)(g) – Aiding and Abetting
corporation, JOE GUERRA, an individual } Age Discrimination
12 } NOT SUBJECT TO MANDATORY
 } ARBITRATION
13 } JURY TRIAL REQUESTED
 } AMOUNT OF PRAYER: \$500,000

14

15

PARTIES & JURISDICTION

16

1.

17

Plaintiff John Cronan (“Plaintiff”) is an individual who resides in Portland, Multnomah

18

County, Oregon.

19

2.

20

Defendant Western Equipment Distributors, Inc. (“Defendant Western”) is a foreign

21

business corporation registered to do business in Oregon that keeps its principal place of business

22

at 19635 SW 129th Ave., Tualatin, Washington County, Oregon and that conducts business in

23

Multnomah County.

25 ///

26 ///

1 – COMPLAINT

DOLAN LAW GROUP PC
4300 NE Fremont, Suite 250
Portland, Oregon 97213
Phone: (503) 227-2377
Fax: (503) 427-1900

Exhibit A, 2 of 9

1

3.

2 Defendant Joe Guerra ("Defendant Guerra") is an individual, who on information and
3 belief, is a resident of California.

4

4.

5 The Circuit Court for Washington County has personal jurisdiction over Defendants
6 because it keeps its principal place of business in the county and because the acts alleged herein
7 occurred in the county.

8

FACTS

9

5.

10

Plaintiff is 65 years old.

12

6.

13

Plaintiff began work for Defendant Western on approximately August 12, 2001 until he
14 was terminated on April 3, 2016.

15

7.

16

Plaintiff worked as a Territory Manager for Commercial Equipment for Defendant
17 Western. At all times Plaintiff performed his job satisfactorily. He received consistently positive
18 performance reviews from his superiors as well as high customer satisfaction reviews.

20

8.

21

At all relevant times, Defendant Guerra was the owner and CEO of Defendant Western.

22

9.

23

24

25

26

On approximately February 3, 2016, Plaintiff met with Defendant Guerra. During this
meeting, Defendant Guerra asked Plaintiff, "What are your retirement plans?" Plaintiff
responded that he "planned to work about five more years" so that he could maximize his social

1 security benefits and pay off his mortgage. Defendant Guerra responded, "There is no way you
2 work until 70. Maybe 15 to 18 months." Defendant Guerra continued, saying that "We need to
3 make room for younger guys who will work like their lives depended on it." Defendant Guerra
4 concluded by saying, "You are not thirty." Defendant Guerra told Plaintiff that his employment
5 would be terminated, effective April 3, 2016.

10

After notifying Plaintiff that he was going to be terminated, Defendant Guerra offered Plaintiff to stay employed with Defendant Western for a short time to train his replacement, John Hassler. Mr. Hassler was an employee of Defendant Western who was promoted into Plaintiff's position. Mr. Hassler was substantially younger than Plaintiff.

PLAINTIFF'S FIRST CLAIM FOR RELIEF

ORS 659A.030(1)(a) – Age Discrimination

(Against Defendant Western)

11

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 10 above.

12.

Defendant Western is a covered employer pursuant to ORS 659A.001(4) and
659A.001(9)(b).

13

Plaintiff's age was a substantial factor in Defendant Western's decision to discharge Plaintiff from his employment, which constitutes a violation of ORS 659A.030(1)(a).

11

14.

1 Defendant Western selected a younger individual to replace Plaintiff.
2

15.

4 As a result of Defendant's age discrimination alleged herein, Plaintiff suffered economic
5 damages in the form of back pay, front pay, and lost benefits, and is entitled to recover such
6 economic damages based on Plaintiff's annual salary of approximately \$70,000, in an amount to
7 be proven at trial, pursuant to ORS 659A.885(1).
8

16.

9 As a result of Defendant Western's age discrimination alleged herein, Plaintiff suffered
10 emotional distress for which Plaintiff is entitled non-economic damages in an amount to be
11 proven at trial, but which is not to exceed \$500,000.
12

17.

14 Plaintiff is entitled to his costs, disbursements, pre and post-judgment interest in the
15 amount of 9% per annum, and reasonable attorney fees incurred herein pursuant to ORS
16 659A.885(1).
17

18 **PLAINTIFF'S SECOND CLAIM FOR RELIEF**

19 **ORS 659A.030(1)(g)—Aiding and Abetting Age Discrimination**

20 **(Against Defendant Guerra)**

21 18.

22 Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1
23 through 17 above.
24 ///
25 ///
26

4 – COMPLAINT

DOLAN LAW GROUP PC
4300 NE Fremont, Suite 250
Portland, Oregon 97213
Phone: (503) 227-2377
Fax: (503) 427-1900

Exhibit A, 5 of 9

1

19.

2 Defendant Guerra aided and abetted Defendant Western in its efforts to discriminate
3 against Plaintiff because of his age by making discriminatory comments regarding Plaintiff's
4 age, his inability to perform his job duties, and Defendant's decision to replace Plaintiff with a
5 younger employee.

6

20.

7

8 As a direct result of Defendant Guerra's aiding and abetting Defendant Western's
9 discrimination against Plaintiff, Defendant Guerra caused Plaintiff to suffer economic damages
10 in the form of back pay, front pay, and lost benefits and is entitled to recover such economic
11 damages based on Plaintiff's annual salary of approximately \$70,000, in an amount to be proven
12 at trial, pursuant to ORS 659A.885(1).

13

21.

14

15 As a result of Defendant Guerra's aiding and abetting Defendant Western's
16 discrimination against Plaintiff, Defendant Guerra caused Plaintiff to suffer emotional distress
17 for which Plaintiff is entitled to non-economic damages in an amount to be proven at trial, but
18 which is not to exceed \$500,000.

19

22.

20

21 Plaintiff is entitled to his costs, disbursements, pre and post-judgment interest in the
22 amount of 9% per annum, and reasonable attorney fees incurred herein pursuant to ORS
23 659A.885(1).

24 ///

25 ///

26 ///

JURY DEMAND

1 Plaintiff demands a jury trial on all questions of fact or combined questions of law and
2 fact raised in this Complaint.

3 WHEREFORE, Plaintiff prays for the relief as set forth in this Complaint, together with
4 such other relief that the Court finds just and equitable.
5

6

7

8 DATED this 14 day of June, 2016.

9

10 By:

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

DOLAN LAW GROUP PC


Martin C. Dolan, OSB No. 872053
Megan E. Dolan, OSB No. 066275
S. Caitlin Dolan, OSB No. 066282
Of Attorneys for Plaintiff
Dolan Law Group PC
4300 NE Fremont St., Ste. 250
Portland, Oregon 97213
Telephone: 503-227-2377
Fax: 503-427-1900
E-Mail: martin@dolanlawgroup.com
megan@dolanlawgroup.com
caitlin@dolanlawgroup.com

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

JOHN CRONAN, an individual,
Plaintiff,
v.
WESTERN EQUIPMENT
DISTRIBUTORS, INC., a foreign business
corporation, JOE GUERRA, an individual
Defendant.)
Case No. 16CV18735.
SUMMONS

To: Western Equipment Distributors, Inc., care of Loretta Raftery – Attorney for Defendant, Raftery Law Group
1334 Parkview Avenue, Suite 100, Manhattan Beach, CA 90266

You are hereby required to appear and defend the complaint filed against you in the above-entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

**NOTICE TO THE DEFENDANT:
READ THESE PAPERS CAREFULLY!**

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.

If you have any questions, you should see an attorney immediately.

If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll free in Oregon at (800) 452-7636.

STATE OF OREGON)
)
) ss.
County of Multnomah)

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons and complaint in the above-entitled action.



Attorney of Record for Plaintiff(s)

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.



Attorney for Plaintiff(s)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

JOHN CRONAN, an individual,)
Plaintiff,) Case No. 16CV18735
v.)) SUMMONS
WESTERN EQUIPMENT)
DISTRIBUTORS, INC., a foreign business)
corporation, JOE GUERRA, an individual)
Defendant.)

To: Joe Guerra, care of Loretta Raftery – Attorney for Defendant, Raftery Law Group
1334 Parkview Avenue, Suite 100, Manhattan Beach, CA 90266

You are hereby required to appear and defend the complaint filed against you in the above-entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

**NOTICE TO THE DEFENDANT:
READ THESE PAPERS CAREFULLY!**

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.

If you have any questions, you should see an attorney immediately.

If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll free in Oregon at (800) 452-7636.

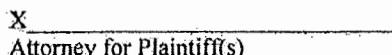
STATE OF OREGON)
) ss.
County of Multnomah)

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons and complaint in the above-entitled action.



Attorney of Record for Plaintiff(s)

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.



Attorney for Plaintiff(s)